
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Bellaire TV Cable Company)	File No.: EB-FIELDNER-16-00020655
)	
)	NOV No.: V201632360002
Bellaire, Ohio)	
)	Physical System ID: 008082
)	Community Unit ID: OH0543

NOTICE OF VIOLATION

Released: February 9, 2016

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Bellaire TV Cable Company, operator of a cable system in Bellaire, Ohio. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On January 5, 2016, agents of the Enforcement Bureau's Detroit Office Michigan inspected the Bellaire TV Cable Company cable system located in Bellaire, Ohio, and observed the following violations:

- a. 47 C.F.R. § 11.56: "Obligation to process [Common Alerting Protocol] CAP-formatted EAS messages. (a) On or by June 30, 2012 EAS participants must have deployed operational equipment that is capable of the following: (1) Acquiring EAS alert messages in accordance with the monitoring requirements in § 11.52(d)(2); (2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol..." At the time of inspection on January 5, 2016, Bellaire TV Cable Company had an FCC compliant model R189SE Monroe Electronics Analog/Digital EAS Encoder/Decoder installed but did not have the required CAP-formatted EAS equipment functioning properly.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 11.52(d)(1): “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system... are specified in the State EAS plan...” At the time of inspection, Bellaire TV Cable Company had only one EAS source connected to the EAS Encoder/Decoder.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that cable operators play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to cable system operators. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Bellaire TV Cable Company Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, (iii) must specify whether EAS CAP equipment has been installed or ordered and (iv) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Bellaire TV Cable Company to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Bellaire TV Cable Company with personal knowledge of the representations provided in Bellaire TV Cable Company’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the company’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

6. This Notice shall be sent to Bellaire TV Cable Company at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit District Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).